

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rose Lantigua (S14)	Team: Squad #14	CCRB Case #: 201700196	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/06/2016 , Wednesday, 12/14/2016 2:10 AM	Location of Incident: 732 East 6th Street	Precinct: 09	18 Mo. SOL 6/14/2018	EO SOL 6/14/2018	
Date/Time CV Reported Mon, 01/09/2017 3:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/09/2017 3:03 PM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POF Alexis Huertas	26323	945946	PSA 4		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Jensen Dayle	00857	931625	PSA 4		
Officer(s)	Allegation			Investigator Recommendation	
A.POF Alexis Huertas	Discourtesy: Police Officer Alexis Huertas acted discourteously toward § 87(2)(b)				

Case Summary

On January 9, 2017, § 87(2)(b) filed the following complaint by phone with the CCRB.

On December 14, 2016, at 2:10 a.m., § 87(2)(b) was stopped by Police Officer Jensen Dayle and Police Officer Alexis Huertas of PSA 4 in front of 732 East 6th Street in Manhattan. § 87(2)(b) is a livery driver. He had two passengers in his vehicle during the incident. § 87(2)(b) drove behind PO Dayle and PO Huerta's NYPD vehicle before he passed their vehicle. PO Dayle and PO Huertas stopped § 87(2)(b). § 87(2)(b) at first refused to provide his driver's license to the officers, but after a verbal dispute, eventually provided it. PO Dayle then wrote a summons for tailgating an emergency vehicle. PO Huertas allegedly extended her hand into § 87(2)(b)'s vehicle and smacked the summons onto his left thigh (**Allegation A**).

The undersigned investigator obtained video of a conversation between § 87(2)(b) and PO Dayle from the cellphone footage of § 87(2)(b)'s passengers. It captures § 87(2)(b) disputing his stop with PO Dayle, but does not show the allegations or the point in time when they would have occurred. (BR01) (BR02)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- Mediation was presented to § 87(2)(b) on January 17, 2017. § 87(2)(b) declined mediation. § 87(2)(b)
- On May 5, 2017, a notice of claim request was submitted to the New York City Comptroller's office. The results will be added to the case file upon receipt. (BR03)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed two previous complaints at the CCRB, § 87(2)(b)
- PO Dayle has been a member of the NYPD for 14 years and has 16 other CCRB allegations. In case number 200509422, a vehicle search was substantiated with charges (See officer history).
- PO Huertas has been a member of the NYPD for nine years and has two other CCRB allegations which were not substantiated § 87(2)(g)

Potential Issues

- § 87(2)(b) identified the passengers in his vehicle as witnesses to the incident during his sworn statement. He also provided a link to their Facebook profiles. However, the investigation was unable to obtain a statement from both witnesses despite multiple attempts to reach them via Facebook, mail, and e-mail.

Findings and Recommendations

Allegations not pleaded

- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- **Abuse of Authority:** Although § 87(2)(b) said he asked for PO Dayle's shield number, an allegation of refusal to provide shield number is not pleaded because PO Dayle's name and tax number were on the summons given to § 87(2)(b) (BR05) and because § 87(2)(b) described PO Dayle moving closer to him to allow him to write down his shield number.

Allegation A -Discourtesy: Police Officer Alexis Huertas acted discourteously toward

§ 87(2)(b) [REDACTED]

§ 87(2)(b) recounted that PO Dayle and PO Huertas returned to their vehicle with his driver's license after he disputed his stop with PO Dayle. § 87(2)(b) said that PO Dayle and PO Huertas remained in their vehicle for 20 minutes before they returned to his window on the driver's side. He alleged that PO Huertas then entered her right hand through the driver's side window and smacked the summons on his left thigh. (BR06)

PO Dayle and PO Huertas both described § 87(2)(b) as irate. They both said that they returned to their vehicle after § 87(2)(b) provided his driver's license. PO Dayle wrote the summons for § 87(2)(b). PO Dayle stated that he returned to § 87(2)(b)'s vehicle with PO Huertas. He said that he handed the summons to § 87(2)(b) and § 87(2)(b) took the summons from him. PO Huertas recounted that § 87(2)(b) would not take the summons from PO Dayle because he was upset. PO Huertas said that PO Dayle ultimately extended his hand into the vehicle and placed the summons on § 87(2)(b)'s lap. She also said that PO Dayle extended his hand in a manner that did not indicate that the summons was being thrown at § 87(2)(b). PO Dayle and PO Huertas denied that either of them extended their hand into the vehicle and smacked the summons onto § 87(2)(b)'s thigh. Additionally, PO Dayle pointed out that he is 5'5" and would not be able to reach his hand into § 87(2)(b)'s vehicle because § 87(2)(b) drove an SUV. (BR07)(BR08)

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 14

Investigator: _____

Signature

Print

Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date